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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,820	12/13/1999	WUPING DONG	FUJI-111	9320
23995	7590	04/07/2004	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			PASS, NATALIE	
		ART UNIT		PAPER NUMBER
				3626

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/458,820	DONG, WUPING
	<b>Examiner</b>	<b>Art Unit</b>
	Natalie A. Pass	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 31 December 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

*Notice to Applicant*

1. This communication is in response to the amendment filed 31 December 2003. Claims 1 and 2 have been amended. Claims 3 and 4 have been newly added. Claims 1-4 remain pending.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 -4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt (U.S. Patent 5,781,892), and Garback (5,237,499) and further in view of Tagawa (5,732,398) for substantially the same reasons applied in the previous Office Action,. Further reasons appear below.

(A) Claim 1 has been amended to recite, "transmitting, upon receiving said booking data," in lines 25-26.

As per this new limitation, Hunt, Garback, and Tagawa disclose a booking and issuing method comprising

transmitting, upon receiving said booking data, data including said booking number or reservation data included in the booking data from said local computer to the selected reservation system via said communication line (Hunt; Figure 1, column 6, lines 9-10, 29-36, column 8, lines 13-30, and column 10, lines 18-41), and issuing or printing of the booked ticket (Garback; Figure 1, and col. 7, lines 20-26), (Tagawa; see at least column 6, lines 16-27).

The remainder of claim 1 is rejected for the same reasons given in the prior Office Action (paper number 16, section 4, pages 3-6), and incorporated herein.

The motivations for combining the respective teachings of Hunt, Garback, and Tagawa are as given in the rejection of claim 1 in the prior Office Action (paper number 16) and incorporated herein.

(B) Claim 2 differs from claim 1 in that it is a ticket booking and issuing system rather than a ticket booking and issuing method. Claim 2 has been amended to recite, means for "transmitting, upon receiving said booking data," in lines 26-27.

As per newly amended claim 2, the amended limitations in claim 2 differ from the amended limitations in claim 1 in that, claim 1 contains a method recited as a series of function steps whereas claim 2 contains features recited in a "means-plus-function" format. As the amended method of claim 1 has been shown to be obvious in view of the combined teachings of Hunt, Garback, and Tagawa, it is readily apparent that the "means" to accomplish those method steps is obvious in view of the listed citations of the prior art. As such, the amended limitations recited in claim 2 are rejected for the same reasons given above for amended claim 1, and incorporated herein.

The motivations for combining the respective teachings of Hunt, Garback, and Tagawa are as given in the rejection of claim 1 above and in the previous Office Action (paper number 16), and incorporated herein.

(C) As per newly added claim 3, Hunt, Garback, and Tagawa teach a booking and issuing method and system as analyzed and discussed in claim 1 above, further comprising:

converting, in said local computer, the booking data received from said personal computer into data of a predetermined hypertext or Internet language to generate data for fare adjustment (Tagawa; see at least Figure 2b, Item 108, Figure 9B, Item 524, column 5, lines 6-27, column 9, lines 34-38, 59-64, column 18, line 46 to column 19, line 4), (Garback; column 1, lines 39-49); and

storing the data for fare adjustment in said local computer (Tagawa; see at least Figure 2b, Item 108, Figure 9B, Item 524, column 5, lines 6-27, column 9, lines 34-38, 59-64, column 18, line 46 to column 19, line 4), (Garback; column 1, lines 39-49).

(D) As per newly added claim 4, the limitations in claim 4 differ from the limitations in claim 3 in that, claim 3 contains a method recited as a series of function steps whereas claim 4 recites system elements. As the method of claim 3 has been shown to be disclosed or obvious in view of the combined teachings of Hunt, Garback, and Tagawa, it is readily apparent that the system to accomplish those method steps is obvious in view of the listed citations of the prior art. As such, the limitations recited in claim 4 are rejected for the same reasons given above for method claim 3, and incorporated herein.

***Response to Arguments***

4. Applicant's arguments filed 31 December 2003 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 31 December 2003.

(A) At pages 6-7 of the 31 December 2003 response, Applicant argues that the features in the Application are not taught or suggested by the applied references. In response, all of the limitations which Applicant disputes as missing in the applied references, including the newly added features in the 31 December 2003 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Hunt, Garback, and Tagawa, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action (paper number 16), and incorporated herein. In particular, Examiner notes that the recited features of a booking and issuing method including a reservation system for accepting booking requests via a communication line, addressing a ticket booking commencement request from the personal computer to the local computer (Hunt: Figure 1; col. 2 lines 16-20), issuing, by said local computer, the ticket booked in said reservation system, or printing of a booked ticket (Garback; Figure 1, column 5, lines 56-61, column 7, lines 20-26), (Tagawa; see at least Figure 8a, Figure 8b, column 6, lines 16-27, column 15, line 24 to column 16, line 20) are taught by the combination of applied references.

With respect to Applicant's assertion at page 7 of the 31 December 2003 response that a "the local computer issues the ticket ... [...] ... upon receiving the booking data" is not suggested by the applied art, it should be noted that Examiner is giving the claim limitations their broadest reasonable interpretation. In particular, the issuing or processing of a ticket or printing of a ticket or voucher after receipt of payment at a local computer or local kiosk is being interpreted as reading on issuing, by said local computer, the ticket booked in said reservation system.

Furthermore, Examiner notes that at the pages of Applicant's specification that were noted in the response of 31 December 2003, the ticket issuing process is defined as "when the ticket issuing data is sent from the reservation system 10 to the ticket booking and issuing terminal 23 ... [...] ... the plane tickets are printed out from the ticket issuing printer 24 attached to the ticket booking and issuing terminal 23," (page 13, lines 12-22, i.e. paragraphs 20-21). As such, there is no strict definition of the term "issuing, by said local computer, the ticket booked in said reservation system" used by Applicant to distinguish it from the ticket issuing process defined in the applied prior art.

With respect to Applicant's assertion that the applied art does not teach or suggest the newly added limitations of converting, in said local computer, the booking data received from said personal computer into data of a predetermined hypertext or Internet language to generate data for fare adjustment; and storing the data for fare adjustment in said local computer, Examiner has provided above in the current Office Action select portions of the respective reference(s) which specifically support Examiner's conclusions. In particular, Examiner points Applicant's attention to (Figure 2b, Item 108, Figure 9B, Item 524, column 5, lines 6-27, column

9, lines 34-38, 59-64, column 18, line 46 to column 19, line 4) of Tagawa, and (column 1, lines 39-49) of Garback, which teach this feature.

Further, the Examiner is concerned that, aside from merely alleging that certain claimed features are not taught or suggested by the applied references either alone or in combination, Applicant does not point to any specific distinction(s) between the features disclosed in the references and the features that are presently claimed. In particular, 37 CFR 1.111(b) states, "A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference does not comply with the requirements of this section." Applicant has failed to specifically point out how the language of the claims patentably distinguishes them from the applied references. Also, arguments or conclusions of Attorney cannot take the place of evidence. *In re Cole*, 51 CCPA 919, 326 F.2d 769, 140 USPQ 230 (1964); *In re Schulze*, 52 CCPA 1422, 346 F.2d 600, 145 USPQ 716 (1965); *Mertizner v. Mindick*, 549 F.2d 775, 193 USPQ 17 (CCPA 1977).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art (4, 862, 357) teaches the environment of travel reservation systems.

Ahlstrom et al. U.S. Patent Number 4, 862, 357 teaches a computer reservation system which includes fare and fare limitations information and is accessed from a local computer terminal.

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington D.C. 20231

**or faxed to:**

(703) 305-7687.

For formal communications, please mark  
"EXPEDITED PROCEDURE".

For informal or draft communications, please label  
"PROPOSED" or "DRAFT" on the front page of the  
communication and do NOT sign the communication.

Hand-delivered responses should be brought to Crystal Park 5,  
2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

NP

Natalie A. Pass

March 30, 2004

*Natalie A. Pass  
Alexander Thomas  
Parony Passman  
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